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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/784,224	01/16/1997	ANTHONY D. SULLIVAN	128-96-003	2493

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EXAMINER
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MYHRE, JAMES W

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**08/784,224**

Applicant(s)  
**Sullivan**

Examiner  
**James W. Myhre**

Art Unit  
**3622**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 26, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 4, 5, 10, 13, 14, 16, 20, 21, and 25 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 5, 13, 14, 20, and 21 is/are allowed.
- 6) ☒ Claim(s) 10, 16, and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 3622

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on September 26, 2003 under 37 CFR 1.111 has been considered but is ineffective to overcome the Oku et al (5,675,745), Graves et al (5,410,344), Barritz (5,499,340), and Itakura et al (6,351,745) references.

### ***Claim Rejections - 35 USC § 101***

2. The amendment filed on September 26, 2003 has overcome the rejection of Claims 13, 14, 16, 20, 21, and 25 in paragraph 5 of paper number 17. Therefore, the examiner hereby withdraws that rejection.

### ***Allowable Subject Matter***

3. Claims 4, 5, 13, 14, 20, 21 contain allowable subject matter.

4. The following is a statement of reasons for the indication of allowable subject matter:

As discussed in the Decision on Appeal of September 24, 2002, prior art was found which disclosed all of the claimed features except the feature in Claims 4, 5, 13, 14, 20, and 21 pertaining to identifying a plurality of needs for the knowledge worker. While the references disclose the user (knowledge worker) entering a plurality of search criteria for the desired

Art Unit: 3622

(needed) information, the Board has determined that this is not the equivalent of a plurality of needs for the knowledge worker. Therefore, this is the novel feature of the invention.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10, 16, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oku et al (5,675,745) in view of Graves et al (5,410,344), Barritz (5,499,340), and Itakura et al (6,351,745).

Claims 10, 16, and 25: Oku discloses a knowledge management system, apparatus, and method comprising:

a. A client which generates a first request (query) for a knowledge worker (user)(col 21, lines 5-26);

b. A server which receives the first request and generates a second request to the information source (database) when information pertaining to the location of the knowledge item is found in the knowledge matrix (DBMS index)(col 21, lines 5-26); and

Art Unit: 3622

c. An information source (database) which responds to the second request by communicating the information requested by the first request to the server (col 21, lines 5-26).

However, Oku does not explicitly disclose generating access statistics in response to the above interactive session nor modifying a personal profile of the knowledge worker (user) in response to the access statistics. Graves discloses a similar system, apparatus, and method for tracking viewer (knowledge worker) access of audiovideo programs which compiles a personal profile for each viewer (col 5, lines 46-66). After each “access” the viewer rates the knowledge item (audiovideo program), and the correspond rating score is used to update the viewer’s personal profile (col 7, lines 49-54). Barritz also discloses a similar system, apparatus, and method which monitors and tracks the frequency of user access to computer program and software products (col 1, lines 8-10) and further discloses several methods that could be used as a watch module for capturing data to determine the proportional usage by any one of numerous programs/products available. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to generate (and compile) access statistics on Oku’s client’s usage. One would have been motivated to capture client access statistics in view of Oku’s description of “client environments” and Graves’ description of using personal profiles for tracking viewer access scores.

However, the Decision concluded that none of the references explicitly disclose that the personal profiles are modified “in response to the access statistics”. The Examiner notes that the Applicant has described “access statistics” in the specification as “times, URLs, knowledge

Art Unit: 3622

worker inputs, activity sequences, and other information" (page 11, lines 31-32) which are used "to develop an historical footprint of the knowledge worker's activities in system 10" (page 11, lines 32-34). This data is then used by the watch module to "modify the personal profile 30 to customize the individual view or menus presented at the beginning of a session (page 12, lines 5-7) and "the watch module 34 continues to adjust personal profile 30 based on the knowledge worker's use of system 10 as an account manager" (page 12, lines 20-23). Itakura discloses a similar system, apparatus, and method for tracking user access to messages and websites which stores a personal profile (user database)(col 3, lines 33-52) which is used to determine the appropriate message(s) to transmit to the user (col 5, lines 50-60). As the user accesses messages the system updates the value of a stored "parameter, which corresponds to the frequency of accessing messages" (i.e. access statistic)(col 3, lines 61-62). Thus, Itakura is not only tracking access statistics, but is also updating the personal profile by adjusting the value of the user's parameters each time the user accesses one or more messages and then using the updated personal profile to select appropriate messages during subsequent sessions with the user. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use such a method to update a personal profile based on access statistics by the user in Oku. One would have been motivated to track and update a personal profile in this manner in order to present the user with the most pertinent message/website/knowledge item as discussed in Itakura (col 5, lines 59-60).

Art Unit: 3622

***Response to Arguments***

7. Applicant's arguments filed September 26, 2003 have been fully considered but they are not persuasive.

The Applicant argues that the Itakura reference is not prior art since its "102(e)" date is August 27, 1998.

MPEP § 1898, II states:

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The 35 U.S.C. 102(e) date of a reference that did not result from, nor claimed the benefit of, an international application is its earliest effective U.S. filing date, taking into consideration any proper priority or benefit claims to prior U.S. applications under 35 U.S.C. 119(e) or 120 if the prior application(s) properly support(s) the subject matter used to make the rejection. See MPEP § 706.02(a).

The Examiner notes that this reference is a Continuation of a prior US application (08/795,397) which claims priority to two Provisional US Applications (60/022,171 and 60/023,577), filed on July 15, 1996 and August 19, 1996, respectively. Thus, the priority date for the cited patent is the earliest effective US filing of July 15, 1996, which has precedence to the present application's filing date.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3622

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (703) 308-7843. The examiner can normally be reached on weekdays from 6:30 a.m. to 3:30 p.m.

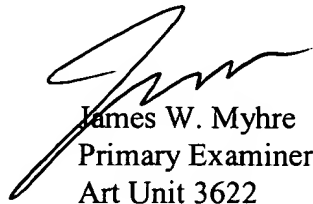
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (703) 305-8469. The fax phone number for Formal or Official faxes to Technology Center 3600 is (703) 872-9306. Draft or Informal faxes may be submitted to (703) 872-9327 or directly to the examiner at (703) 746-5544.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 308-1113.



JWM

November 20, 2003



James W. Myhre  
Primary Examiner  
Art Unit 3622